

2/28/2017 4:06 pm

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HERBERT W. CORWIN,

Plaintiff,

-against-

**ORDER**

16-CV-4795 (JMA) (ARL)

COMMUNITY DEVELOPMENT CORP.  
OF LONG ISLAND,

Defendant.

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**AZRACK, United States District Judge:**

Herbert W. Corwin, proceeding pro se, commenced this action on August 25, 2016, by filing an order to show cause for a preliminary injunction and temporary restraining order against the Community Development Corp. of Long Island (the “CDC”), requesting that this Court order the CDC to restore his housing voucher.

On August 29, 2016, this Court issued an Order declining to sign the order to show cause. The Court also directed that plaintiff file a formal complaint against the CDC with the Court to proceed with this action. A copy of that Order was mailed to plaintiff at his address listed on the docket sheet. On December 20, 2016, this Court issued another Order again advising plaintiff to file a formal complaint against the CDC with the Court. A copy of that Order was mailed to plaintiff at his address listed on the docket sheet. On January 9, 2017, the Court received a letter from plaintiff in which he indicated his desire to continue prosecuting his lawsuit against the CDC. To date, plaintiff has not filed a formal complaint against the CDC with the Court.

Plaintiff has been given two opportunities to file a complaint against the CDC with the Court. Although plaintiff filed a letter indicating his desire to continue with his suit, he did not

comply with the Court's Orders. (See ECF Nos. 6 & 7.) **If plaintiff still intends to prosecute this lawsuit, he must file a formal complaint against the CDC with the Court by March 31, 2017.**

**Failure to comply with this Order may result in the dismissal of this entire action with prejudice, pursuant to Federal Rule of Civil Procedure 41(b).** The only way to comply with this Order is to file a formal complaint with the Court by March 31, 2017. It will not be sufficient for plaintiff to file another letter with the Court indicating his desire to continue prosecuting this lawsuit. **In other words, if plaintiff does not file a formal complaint with the Court, but does file another letter indicating his desire to continue with the suit, this action may be dismissed with prejudice.**

For plaintiff's convenience, the pro se office is directed to provide plaintiff with a blank copy of the general complaint form. To comply with this Order, plaintiff may complete and return this form to the Court by March 31, 2017. If plaintiff needs further assistance filling out this form, or otherwise complying with the Court's Order, he is directed to call the pro se office.

#### **In Forma Pauperis Application**

Also before the Court, is plaintiff's application to proceed in forma pauperis. Upon review of plaintiff's declaration in support of his application to proceed in forma pauperis, the Court finds that plaintiff is qualified to commence this action without prepayment of the filing fee. 28 U.S.C. § 1915(a)(1). Therefore, plaintiff's application to proceed in forma pauperis is granted.

IT IS HEREBY ORDERED that **plaintiff is directed to file a formal complaint against the CDC with the Court by March 31, 2017;** and

IT IS FURTHER ORDERED that plaintiff is granted leave to file the complaint without prepayment of the filing fee or security; and

IT IS FURTHER ORDERED that, in the event plaintiff does file a complaint, the Clerk of Court must forward to the United States Marshal Service for the Eastern District of New York copies of plaintiff's summons, complaint, and this Order for service upon the defendant without prepayment of fees; and

IT IS FURTHER ORDERED that the Clerk of Court must mail a copy of this Order to the pro se plaintiff.

**SO ORDERED.**

Dated: February 28, 2017  
Central Islip, New York

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/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE